

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CENGAGE LEARNING, INC.; PEARSON
EDUCATION, INC.; and JOHN WILEY & SONS,
INC.,

Plaintiffs,

Case No. 14 CV 3174 (DAB) (RLE)

v.

JAMAL YOUSUF and DOES 1-25.

Defendants.

DECLARATION OF KERRY M. MUSTICO

I, KERRY M. MUSTICO, hereby declare as follows:

1. I am Senior Counsel at Oppenheim + Zebrak, LLP, counsel for Plaintiffs.

I submit this declaration in support of Plaintiffs' Motion to Extend the May 20, 2014
Temporary Restraining Order and For a Preliminary Injunction Against the Doe
Defendants.

2. Plaintiffs initiated this suit on May 5, 2014 filing the Complaint and Order
to Show Cause For Temporary Restraining Order, to Preserve Evidence and for
Expedited Discovery for Preliminary Injunction ("Order to Show Cause"). The Court
granted the Order to Show Cause on May 5, 2014; the Temporary Restraining Order was
granted on May 15, 2014 and entered on May 20, 2014 (the "May 20th Order").

3. After the Order to Show Cause (and Plaintiffs' motion for expedited
discovery was granted), Plaintiffs served subpoenas on PayPal, eBay, Amazon,
GoDaddy, DHL, and UPS to discover Defendants' names, addresses, bank accounts, and
other identifying information. To date, Plaintiffs have received substantive subpoena

responses from PayPal, Amazon, and UPS. In addition, in response to notice of the May 20th Order, GoDaddy placed the domain name TextbookXpres.com on “registrar lock” so that it may not be cancelled, transferred, or otherwise modified pending further court order.

4. Plaintiffs are still awaiting substantive subpoena responses from eBay, GoDaddy, and DHL, but are actively working with these entities to expedite their responses.

5. Amazon has produced account information for the Amazon Online Storefronts. Amazon’s response identified two individual names associated with the Online Storefront, as well as two additional email addresses. Accordingly, Plaintiffs have served discovery requests on these individuals and are in communication with one of them to determine whether they are a Doe Defendant. But, their responses to the discovery requests are not due under the expedited schedule until June 10, 2014—after the May 20th Order expires.

6. PayPal has produced account information detail for nine accounts associated with Defendants and their online storefronts (“PayPal Accounts”). The account detail for the PayPal Accounts are voluminous, in some cases consisting of 40-plus pages of account logins and what appear to be shipment addresses. The PayPal Accounts also identify multiple individual names, the majority of which appear to have Malaysian addresses. Plaintiffs are in the process of investigating whether the names and addresses associated with the PayPal Accounts are real or fictitious.

7. A digital copy of, among other things, the Complaint (ECF No. 2); the Order to Show Cause for Temporary Restraining Order, to Preserve Evidence and for

Expedited Discovery for Preliminary Injunction (ECF No. 13); and the Temporary Restraining Order (ECF No. 11) were sent by email to the Doe Defendants at the following email addresses:

- ubooks2008@gmail.com
- nissinauto@gmail.com
- popstarmm@gmail.com
- bookwholesale@gmail.com
- maystevenchoo@yahoo.com
- ymwky2@gmail.com.

8. On May 21, 2014, Plaintiffs employed an email tracking service, RPost Registered Email when emailing the Doe Defendants at the above addresses to provide notice of the May 20th Order (among other filings). RPost's tracking service confirms that the emails sent to all six of the email addresses were delivered successfully and that emails sent to three of the addresses, bookwholesale@gmail.com, ymwky2@gmail.com, and ubooks2008@gmail.com, were opened.

9. In addition to the online storefronts and email addresses previously identified to the Court, through discovery recently obtained from PayPal, Amazon, and Defendant Yousuf, Plaintiffs have learned of the following email addresses and online storefronts relating to the Doe Defendants: amazoncustomers@textbookxpres.com, bookera2@gmail.com, popstamm@gmail.com, wlsolution@gmail.com, bookstrading222@gmail.com, booktrading2014, and Harris and Holy Books.

10. Since the filing of this action, Defendants have shut down, moved, or deleted the inventory from many of the online storefronts through which they are

operating their counterfeiting ring. For example, “ace_hub books” shut down its storefront on eBay.com, despite having listed over 1000 unique titles for sale as of May 1, 2014. Likewise, “bookwholesale2008” has renamed its storefront to “booktrading2014” and added origin descriptions such as “from Malaysia” or “from Singapore” below the titles offered for sale, which were not there previously. The “popstar_edu” storefront has deleted all of its inventory; as of May 1, 2014 it had over 1000 unique titles available for purchase. And, the “TextbookXpres” storefront has a message stating, “The TextbookXpres Storefront is temporarily unavailable from the Seller; as of March 20, 2014 TextbookXpres had over 1000 unique titles for sale.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on June 3, 2014 in Washington, D.C.

/s/ Kerry M. Mustico

Kerry M. Mustico